

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM FRANK WOLF,

Plaintiff,

Case No. 1:18-cv-10

v.

HON. JANET T. NEFF

ASCENSION PARISH SHERIFF'S
DEPT., et al.,

Defendants.

/

OPINION AND ORDER

Plaintiff, proceeding pro se, filed this action against Ascension Parish Sheriff's Dept. and three of its employees, Chris Moody, Bill Taylor, and Teddy Gonzales. Plaintiff's essential claim is that Defendants have failed to produce any official documents verifying the death of Roger Looper, a man who is believed to have committed suicide after he shot Plaintiff's two daughters, one of whom did not survive. Plaintiff appears to seek relief from this Court to compel Defendants to reinstate the warrant for attempted murder/murder since Defendants have not provided a copy of Looper's death certificate. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that the matter be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2) (ECF No. 6). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff states in his objection, “I am looking to for empirical proof to show the court. To the best of my knowledge and belief I will have the empirical proof that will back-up any claim” (ECF No. 7 at PageID.46). However, the Magistrate Judge’s recommendation to dismiss the case is not based on Plaintiff’s evidence but on the sufficiency of his allegations and the relief sought. As the Magistrate Judge stated, Plaintiff’s allegation regarding Defendants’ failure to provide Looper’s death certificate, even if true, “does not appear to violate any law which this Court has the authority to enforce” (ECF No. 6 at PageID.43). Plaintiff’s submission of empirical proof would not remedy this defect. Thus, Plaintiff’s argument fails to demonstrate any factual or legal error in the Magistrate Judge’s analysis or conclusion. Because Plaintiff has failed to state a claim, Plaintiff’s subsequent motions for discovery and a hearing (ECF No. 10; ECF No. 11) are denied as moot.

Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 7) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2).

IT IS FURTHER ORDERED that the Defendant's motions (ECF No. 10; ECF No. 11) are DENIED as moot.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: September 21, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge